PRODUCT: *Rumarid.* 373 100-tablet bottles and 219 250-tablet bottles, together with a number of leaflets headed "A New Formula" which were included in the carton containing each 100-tablet bottle, in the possession of the Bartell Drug Co., Seattle, Wash.

RESULTS OF INVESTIGATION: Displayed on the window of one of the retail stores of the consignee, at Seattle, Wash., was a circular placard headed "A New Relief from Pain! Rumarid." On display in this same store, together with unit cartons and bottles of the article, were a number of leaflets headed "New" and a large rectangular placard headed "Rumarid." These placards and leaflets were included in the shipment with the article. Attached to a stand in this store was a tear sheet from the Seattle Times headed "Pain Relief."

LABEL, IN PART: (Bottle and carton) "Rumarid * * * Each Tablet Contains: Acetylsalicylic Acid 3.5 grains, Caffeine .5 grain, Thiamine Chloride (B–1) 1 milligram, Ascorbic Acid 10 milligrams, Magnesium Salicylate 1.5 grains, Calcium Succinate 1 grain, Calcium Glutamate 1 grain."

NATURE OF CHARGE: Misbranding, Section 502 (a), the name "Rumarid" and certain statements and designs in the accompanying labeling were false and misleading. The name "Rumarid" and the statements and designs represented and suggested that the article was capable of ridding the body of rheumatic conditions; that the article was a new and adequate and effective treatment for arthritis, rheumatism, neuritis, sciatica, and bursitis; that the United States Patent Office had issued a patent for *Rumarid;* that the article contained a new and effective ingredient called Renelon; that it contained as an ingredient calcium acetylsalicylate; and that caffeine, thiamine chloride, ascorbic acid, calcium succinate, and calcium glutamate are active ingredients to effect the claimed purposes of the article. The article was not capable of ridding the body of rheumatic conditions, and it was not a new and adequate and effective treatment for arthritis, rheumatism, neuritis, sciatica, and bursitis; the United States Patent Office had not issued a patent for *Rumarid;* Renelon is not the common or usual name of any known drug; the article did not contain calcium acetylsalicylate as an ingredient; and caffeine, thiamine chloride, calcium succinate, and calcium glutamate are not active ingredients to effect the claimed purposes of the article.

Further misbranding, Section 502 (e) (2), the article was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each active ingredient since the ingredient declared as acetylsalicylic acid is not declared by its common or usual name, aspirin.

The article was misbranded in the above respects when introduced into, while in, and while held for sale after shipment in, interstate commerce.

DISPOSITION: December 21, 1951. Stanley Drug Products, Inc., Portland, Oreg., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be relabeled under the supervision of the Federal Security Agency. The product was brought into compliance with the law by the relabeling of the bottles and the destruction of the cartons, leaflets, and other display material.

4015. Misbranding of Desert-Air Lamp. U. S. v. 74 Devices, etc. (F. D. C. No. 30924. Sample No. 10132–L.)

LIBEL FILED: April 16, 1951, Eastern District of Michigan; amended libel filed April 19, 1951.

ALLEGED SHIPMENT: On or about September 26, 1950, and February 27, 1951, by the Dal Corp., from Hollywood, Calif.

PRODUCT: 74 devices, known as *Desert-Air Lamps*, at Detroit, Mich., together with a number of placards entitled "Bring the Desert Into Your Home Desert-Air Lamps" and a number of folders entitled "America's Wonderlamp the amazing . . . dark-burning Desert-Air Lamp." Attached to each lamp was a tag entitled "Here's To Your Health Bring the Desert Into Your Home."

Examination showed that the lamp consisted of a parabolic reflector, with a central cone electric heating unit located in the center of the reflector.

NATURE OF CHARGE: Misbranding, Section 502 (a), the labeling of the article, namely, the above-mentioned placards, folders, and tags accompanying the article, was false and misleading. The labeling represented and suggested that the article was effective to relieve bronchitis, head colds, hay fever, asthma, and all types of respiratory ailments, and that it was effective to make babies breathe more easily and sleep better, to relieve the stuffy feeling in the baby's nose, to relieve night coughing, and to improve the user's health. The article would not fulfill the promises of benefit stated and implied.

DISPOSITION: Lloyd H. Elrod, Detroit, Mich., the consignee and owner of the devices, and the Dal Corp., the shipper of the devices, filed answers denying that the labeling contained false and misleading statements. The Government subsequently served upon these parties a set of written interrogatories which were answered by the Dal Corp. Thereafter, Lloyd H. Elrod indicated that he was willing to enter into a consent decree of condemnation, but the Dal Corp. refused to admit the allegations of misbranding.

The case came on for trial before the court without a jury on May 12, 1953, and at its conclusion, the court ruled in favor of the Government. On June 9, 1953, the court entered its findings of fact and conclusions of law that the device was misbranded by reason of false and misleading statements in the labeling with respect to the efficacy of the devices.

In accordance with the findings and conclusions, the court entered a decree of condemnation on June 9, 1953, and ordered that the Government recover court costs, storage costs, and other proper expenses from the Dal Corp., and that the condemned devices be released under bond to Lloyd H. Elrod to be relabeled under the supervision of the Department of Health, Education, and Welfare.

4016. Misbranding of Magnetic Ray device. U. S. v. 9 Devices, etc. (F. D. C. No. 30796. Sample No. 13069–L.)

LIBEL FILED: March 6, 1951, District of Colorado; libel amended on or about September 21, 1951.

ALLEGED SHIPMENT: On or about January 4 and 23, 1951, by the Magnetic Ray Co., from Dallas, Tex.

PRODUCT: 9 *Magnetic Ray devices* at Denver, Colo., together with a number of leaflets entitled "Directions for Taking Magnetic Ray Treatments" and "This is a copy of a letter written by Frank B. Moran, M. D." and a number of booklets entitled "Magnetic Ray Treatment."

The device consisted essentially of a coil of wire enclosed in a covering of imitation leather and made in the form of a belt. Attached to the device was an electric cord which was to be plugged into an ordinary lighting current outlet.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the above-mentioned booklets and leaflets accompanying the device were false and misleading. The statements represented and suggested that the device was effective in the treatment of acid stomach, anemia, arthritis, asthma, affections